

REMARKS

The Office Action dated April 25, 2003 presents the examination of claims 20-21, 23-24, 26-28, 30-32, 34-35, and 37-41. Claims 32, 35, 38, and 39 are canceled. Claims 20, 23, 27, 31, 34, 40, and 41 are amended. Claims 42 and 43 are added. No new matter is inserted into the application.

Interview

An interview was held with the Examiner at the United States Patent and Trademark Office on August 28, 2003. The Examiner's assistance in advancing prosecution of the present application is greatly appreciated.

Rejection over Huse '726 in view of Gelfand '292 and further in view of Frye '041 (Paragraph 4, pages 3-6 of the Office Action)

The Examiner rejects claims 20-21, 23-24, 27-28, 31-32, 34-35, and 37-41 under 35 U.S.C. § 103(a) for allegedly being obvious over Huse '762 (USP 5,681,726) in view of Gelfand '292 (USP 5,939,292), and further in view of Frye '041 (USP 6,008,041). Claims 32, 35, 38, and 39 are canceled, thus rendering rejection thereof moot. Applicants respectfully traverse the rejection applied to the

pending claims. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

As noted in the Supplemental Reply filed on February 19, 2003, neither Gelfand '292 nor Huse '726 disclose that one of the nucleotide analogs is selected from the group consisting of 7-Deaza-dGTP, 7-Deaza-dATP, dITP, and hydroxymethyl dUTP. The Examiner attempts to make up for this deficiency of Huse '762 and Gelfand '292 by combining therewith Frye '041, a newly cited reference. Frye '041 discloses a single cDNA sequence encoding bovine dipeptidylaminopeptidase 1 (DAP1). The Examiner relies on Frye '041 to teach 7-Deaza-dGTP. In particular, the Examiner states that the skilled artisan would be motivated to use 7-Deaza-dGTP as a nucleotide analog because Frye '041 teaches at column 25, lines 38-40, "The application of 7-Deaza-dGTP has been shown to eliminate some of the nonspecific background while it has no effect on the Taq DNA polymerase itself."

Applicants respectfully submit that the hypothetical combination of Gelfand '292, Huse '726, and Frye '041 fails to render the present invention obvious. The claims, as amended, clarify that the DNA or cDNA obtained in step (a) is a DNA or cDNA comprising at least two kinds of nucleotide analogs. None of the cited references disclose this feature of the present invention.

Furthermore, Example 3 of the instant specification fully supports the finding that surprisingly excellent effects are achieved in the case where at least two kinds of nucleotide analogs are used compared with the case where only one kind of nucleotide analog is used. These effects are not suggested by the hypothetical combination of the cited references.

For these reasons, the hypothetical combination of Gelfand '292, Huse '726, and Frye '041 fails to render the present invention obvious. Withdrawal of the instant rejection is therefore respectfully requested.

Rejection over Huse '726 in view of Gelfand '292 and further in view of Frye '041 and Dodge '117 (Paragraph 5, pages 6-8 of the Office Action)

The Examiner rejects claims 26 and 30 under 35 U.S.C. § 103(a) for allegedly being obvious over Huse '762 in view of Gelfand '292, and further in view of Frye '041 (USP 6,008,041) and Dodge '117 (USP 5,912,117). Applicants respectfully traverse. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

The Examiner relies on Dodge '117 merely to teach a compound for lowering T_m value. The addition of Dodge '117 does not make up

for the deficiencies of the main combination of references (i.e., Huse '726, Gelfand '292, and Frye '041). None of the references disclose or suggest a DNA or cDNA comprising at least two kinds of nucleotide analogs.

For these reasons, the hypothetical combination of Gelfand '292, Huse '726, Frye '041, and Dodge '117 fails to render the present invention obvious. Withdrawal of the instant rejection is therefore respectfully requested.

Conclusion

Applicants respectfully submit that the present application is in condition for allowance. The Examiner is respectfully requested to issue a Notice of Allowance indicating that claims 20-21, 23-24, 26-28, 30-31, 34, 37, and 40-43 are allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kristi L. Rupert, Ph.D. (Reg. No. 45,702) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

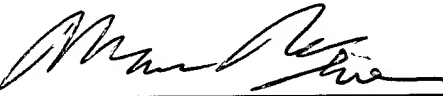
Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants hereby petition for an extension of three (3) months

to October 25, 2003, in which to file a reply to the Office Action.
The required fee of \$950.00 is enclosed herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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